

**IN THE CLAIMS:**

**Claims 1-19 (Cancelled).**

20. (Currently Amended) A surgical instrument assembly for distracting a spinal disc space, comprising:

a first distractor including:

a first shaft extending between a proximal end and a distal end;

a first distractor tip extending from the distal end of said first shaft, said first distractor tip including opposite first and second surfaces defining a first distraction height;

a second distractor including:

a second shaft extending between a proximal end and a distal end;

a second distractor tip extending from the distal end of said second shaft, said second distractor tip including opposite first and second surfaces defining a second distraction height substantially equal to said first distraction height, wherein at least one of said first and second distractor tips includes a first transition surface extending between a distal end surface and said first surface of said at least one distractor tip and a second transition surface extending between said distal end surface and said second surface of said at least one distractor tip, said first and second transition surfaces each having a curvature generally corresponding to a curvature of an inner portion of a cortical rim of vertebral endplates in a sagittal plane;

a guide sleeve defining a working channel extending between a proximal end and a distal end, wherein said first and second distractors are received in said working channel of said guide sleeve; and

a distractor driver cap coupled to the proximal end of said first and second distractors and said guide sleeve, said distractor driver cap having a side opening wherein said distractor driver cap is side-loaded onto said first and second distractors and said guide sleeve.

21. (Original) The assembly of claim 20, wherein said second distractor includes a recessed area extending along a medial side thereof.

22. (Original) The assembly of claim 21, wherein said recessed area is a concave surface.

23. (Original) The assembly of claim 21, wherein said recessed area is configured to permit rotation of a surgical instrument positioned adjacent thereto.

24. (Original) The assembly of claim 20, wherein said first distractor tip is integrally formed with said first shaft and said second distractor tip is integrally formed with said second shaft.

25. (Original) The assembly of claim 20, wherein:  
said first distractor includes a convex surface along said medial side thereof; and  
said second distractor includes a convex surface along said medial side thereof.

26. (Original) The assembly of claim 20, wherein a distal end of said guide sleeve includes a pair of opposite flanges extending distally therefrom.

27. (Original) The assembly of claim 20, wherein said working channel includes a first working channel portion for receiving said first distractor and a second working channel portion for receiving said second distractor.

28. (Original) The assembly of claim 27, wherein said first working channel portion and said second working channel portion form a figure eight shape.

29. (Original) The assembly of claim 20, wherein said guide sleeve includes a sleeve cap at said proximal end of said guide sleeve, said sleeve cap including a proximal end ring engageable to said distractor driver cap.

30. (Original) The assembly of claim 29, wherein said first distractor includes a first flange on its proximal end defining a lip therearound and said second distractor includes a second flange on its proximal end defining a lip therearound, said driver cap including a distractor slot slidably receiving said first and second flanges therein.

31. (Original) The assembly of claim 30, wherein said distractor driver cap includes a guide sleeve slot slidably receiving said proximal end ring.

32. (Original) The assembly of claim 20, wherein said first distractor includes a first flange on its proximal end defining a lip therearound and said second distractor includes a second flange on its proximal end defining a lip therearound, said driver cap including a distractor slot slidably receiving said first and second flanges therein.

33. (Original) The assembly of claim 32, wherein said first flange includes a proximal face having a hole therein and said second flange includes a proximal face having a hole therein, said distractor driver cap including a spring-biased plunger positionable in a corresponding one of said holes when said distractor driver cap is properly positioned thereon.

34. (Original) The assembly of claim 20, wherein:  
said first distractor includes a projection extending from a medial side of said first shaft;  
said second distractor includes a notch formed in a medial side of said second shaft,  
wherein when said first and second distractors are positioned in said guide sleeve said projection is received in said notch to prevent relative movement between said first and second distractors.

35. (Original) The assembly of claim 34, wherein in said projection is cylindrically shaped.

36. (Currently Amended) The assembly of claim 20, wherein each of said first and second distractor tips includes:

a distal end surface;

a lateral surface;

a ~~first~~ third transition surface extending between said distal end surface and said lateral surface, said ~~first~~ third transition surface having a ~~first~~ second curvature generally corresponding to the to a curvature of the inner portion of the cortical rim of the vertebral endplates ~~in the~~ in an axial plane.

37. (Currently Amended) The assembly of claim 36, wherein each of said first and second distractor tips further includes a ~~second-upper-fourth~~ transition surface extending between said lateral surface and said ~~upper-first~~ surface and a ~~second-lower-fifth~~ transition surface extending between said lateral surface and said ~~lower-second~~ surface, said ~~second-upper and-lower fourth and fifth~~ transition surfaces each having a ~~second-third~~ curvature generally corresponding to the ~~to a~~ curvature of the inner portion of the cortical rim of the vertebral endplates ~~in the~~ in a coronal plane.

38. (Currently Amended) The assembly of claim 37, wherein each of said first and second distractor tips further includes a ~~third-upper-said first~~ transition surface extending between said distal end surface and said ~~upper-first~~ surface and a ~~third-lower-said second~~ transition surface extending between said distal end surface and said ~~lower-second~~ surface, said ~~third-upper and-lower first and second~~ transition surfaces each having a ~~third-said~~ curvature generally corresponding to the curvature of the inner portion of the cortical rim of the vertebral endplates in the sagittal plane.

39. (New) A surgical instrument assembly for distracting a spinal disc space, comprising:  
a first distractor including:

- a first shaft extending between a proximal end and a distal end;

- a first distractor tip extending from the distal end of said first shaft, said first distractor tip including opposite first and second surfaces defining a first distraction height;

a second distractor positionable along said first distractor including:

- a second shaft extending between a proximal end and a distal end;

- a second distractor tip extending from the distal end of said second shaft, said second distractor tip including opposite first and second surfaces defining a second distraction height, wherein at least one of said first and second distractor tips includes a first transition surface extending between a distal end surface of said at least one distractor tip and said first surface of said at least one distractor tip and a second transition surface extending between said distal end surface and said second surface of

said at least one distractor tip, said first and second transition surfaces each having a curvature generally corresponding to a curvature of an inner portion of a cortical rim of vertebral endplates in a sagittal plane; and

a guide sleeve defining a working channel extending between a proximal end and a distal end, wherein said first and second distractors are positionable in said working channel of said guide sleeve.

40. (New) The assembly of claim 39, further comprising a distractor driver cap configured for side-loading on said at least one of said first and second distractors and said guide sleeve.

41. (New) The assembly of claim 39, wherein said at least one of said first and second distractor tips includes:

a lateral surface opposite the other of said first and second distractor tips when positioned therealong; and

a third transition surface extending between said distal end surface and said lateral surface, said third transition surface having a second curvature generally corresponding to a curvature of the inner portion of the cortical rim of vertebral endplates in an axial plane.

42. (New) The assembly of claim 39, wherein said at least one of said first and second distractor tips includes:

a lateral surface opposite the other of said first and second distractor tips when positioned therealong; and

a third transition surface extending between said lateral surface and said first surface and a fourth transition surface extending between said lateral surface and said second surface, said third and fourth transition surfaces each having a second curvature generally corresponding to a curvature of the inner portion of the cortical rim of vertebral endplates in a coronal plane.

43. (New) The assembly of claim 39, wherein said distal end surface of said at least one of said first and second distractors is linear and orthogonal to a central longitudinal axis of said at least one distractor.

44. (New) The assembly of claim 39, wherein said first and second surfaces of said at least one distractor tip each include a plurality of teeth formed therein.

45. (New) The assembly of claim 39, wherein for said at least one of said first and second distractors said first surface includes a proximal portion and a distal portion and said second surface includes a proximal portion and a distal portion, said proximal portions being generally parallel with one another and said distal portions tapering toward one another from said proximal portions toward said distal end surface.

46. (New) A surgical instrument assembly for distracting a spinal disc space, comprising:  
a first distractor including:

- a first shaft extending between a proximal end and a distal end;

- a first distractor tip extending from the distal end of said first shaft, said first distractor tip including opposite first and second surfaces defining a first distraction height;

a second distractor positionable along said first distractor including:

- a second shaft extending between a proximal end and a distal end;

- a second distractor tip extending from the distal end of said second shaft, said second distractor tip including opposite first and second surfaces defining a second distraction height, wherein at least one of said first and second distractor tips includes a lateral surface opposite the other of said first and second distractor tips when positioned therealong and a first transition surface extending between a distal end surface of said at least one distractor tip and said lateral surface, said first transition surface having a curvature generally corresponding to a curvature of an inner portion of a cortical rim of vertebral endplates in an axial plane; and

a guide sleeve defining a working channel extending between a proximal end and a distal end, wherein said first and second distractors are positionable in said working channel of said guide sleeve.

47. (New) The assembly of claim 46, further comprising a distractor driver cap configured for side-loading on said at least one of said first and second distractors and said guide sleeve.

48. (New) The assembly of claim 46, wherein said at least one of said first and second distractor tips includes:

a second transition surface extending between said distal end surface and said first surface of said at least one distractor tip and a third transition surface extending between said distal end surface and said second surface of said at least one distractor tip, said second and third transition surfaces each having a second curvature generally corresponding to a curvature of the inner portion of the cortical rim of vertebral endplates in a sagittal plane.

49. (New) The assembly of claim 46, wherein said at least one of said first and second distractor tips further includes:

a second transition surface extending between said lateral surface and said first surface and a third transition surface extending between said lateral surface and said second surface, said second and third transition surfaces each having a second curvature generally corresponding to a curvature of the inner portion of the cortical rim of vertebral endplates in a coronal plane.

50. (New) The assembly of claim 46, wherein said distal end surface of said at least one of said first and second distractors is linear and orthogonal to a central longitudinal axis of said at least one distractor.

51. (New) The assembly of claim 46, wherein said first and second surfaces of said at least one distractor tip each include a plurality of teeth formed therein.

52. (New) The assembly of claim 46, wherein for said at least one of said first and second distractors said first surface includes a proximal portion and a distal portion and said second surface includes a proximal portion and a distal portion, said proximal portions being generally parallel with one another and said distal portions tapering toward one another from said proximal portions toward said distal end surface.

53. (New) A surgical instrument assembly for distracting a spinal disc space, comprising:  
a first distractor including:

a first shaft extending between a proximal end and a distal end;

a first distractor tip extending from the distal end of said first shaft, said first distractor tip including opposite first and second surfaces defining a first distraction height;

a second distractor positionable along said first distractor including:

a second shaft extending between a proximal end and a distal end;

a second distractor tip extending from the distal end of said second shaft, said second distractor tip including opposite first and second surfaces defining a second distraction height substantially equal to said first distraction height, wherein at least one of said first and second distractor tips includes a lateral surface opposite the other of said first and second distractor tips when positioned therealong and a first transition surface extending between said lateral surface and said first surface and a second transition surface extending between said lateral surface and said second surface, said first and second transition surfaces each having a curvature generally corresponding to a curvature of an inner portion of a cortical rim of vertebral endplates in a coronal plane; and

a guide sleeve defining a working channel extending between a proximal end and a distal end, wherein said first and second distractors are positionable in said working channel of said guide sleeve.

54. (New) The assembly of claim 53, further comprising a distractor driver cap configured for side-loading on said at least one of said first and second distractors and said guide sleeve.

55. (New) The assembly of claim 53, wherein said at least one of said first and second distractor tips includes a third transition surface extending between a distal end surface of said at least one distractor tip and said first surface of said at least one distractor tip and a fourth transition surface extending between said distal end surface and said second surface of said at least one distractor tip, said third and fourth transition surfaces each having a second curvature



generally corresponding to a curvature of the inner portion of the cortical rim of vertebral endplates in a sagittal plane.

56. (New) The assembly of claim 53, wherein said at least one of said first and second distractor tips further includes a third transition surface extending between a distal end surface of said at least one distractor tip and said lateral surface, said third transition surface having a curvature generally corresponding to a curvature of the inner portion of the cortical rim of vertebral endplates in an axial plane.

57. (New) The assembly of claim 56, wherein said distal end surface of said at least one of said first and second distractors is linear and orthogonal to a central longitudinal axis of said at least one distractor.

58. (New) The assembly of claim 53, wherein said first and second surfaces of said at least one distractor tip each include a plurality of teeth formed therein.

59. (New) The assembly of claim 53, wherein for said at least one of said first and second distractors said first surface includes a proximal portion and a distal portion and said second surface includes a proximal portion and a distal portion, said proximal portions being generally parallel with one another and said distal portions tapering toward one another from said proximal portions toward said distal end surface.

60. (New) The assembly of claim 53, wherein said first and second distraction heights are equal.